IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1396 OF 2006

Union of India ... Appellant

Versus

P.K.Nandu ... Respondent

Shri Anand Samant for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 13, 2007.

P.C.:

1. Heard Advocate for the Appellant. As paperbook is not required, the conditional order passed on 15th June, 2006 is recalled and Appeal is restored. The challenge in this Appeal is to an order passed by the Railway Claims Tribunal by which compensation of Rs.80,000/- with interest has been awarded to the original claimant- Respondent herein. The allegation of the Respondent is that he was travelling as a bonafide passenger in a local train on 03rd December, 2003 and while travelling in the train, he accidentally fell down. Compensation is claimed by invoking section 124-A of the Railways Act, 1989 on the ground that the Respondent has suffered injury in untoward incident within the meaning of section 123(c)(2) of the said Act of 1989. The quantum of compensation awarded is as per rules. The defence of the Appellant was that the Respondent was reckless and careless while travelling.

The deposition of the Respondent shows that he was standing at the gate of the local train but he was behind the pole at the centre of the gate. He has stated that he was surrounded by many passengers. This is the unchallenged evidence of the Appellant. That is the reason why the Tribunal has not accepted the case made out by the Appellant that the Respondent himself was reckless. Therefore, it is difficult to find fault with the finding of the Tribunal that the Respondent was a victim of an untoward incident. There is no serious dispute about the injuries suffered by the Respondent. The amount of compensation is as per the Railway Accidents and Untoward (Compensation) Rules, 1989.

2. No case is made out for interference. Appeal is accordingly dismissed. No orders as to costs.

Judge.